

REMARKS**Summary of the Office Action**

Claims 2-4 and 8-10 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Claims 1, 5, 7, 11 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,618,396 to Kondo et al (hereinafter "Kondo"). Claims 6 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kondo.

Summary of the Response to the Office Action

Applicants have amended claims 1-4, 7-10 and 13 to improve the form of the claims. Accordingly, claims 1-13 remain pending for consideration.

Rejections under 35 U.S.C. § 112, First Paragraph

Claims 2-4 and 8-10 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. The Office Action alleges that the claims contain "subject matter which was not described in the specification in such a way to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention."

Applicants respectfully traverse this rejection because the specification describes the subject matter recited in claims 2-4 and 8-10 in sufficient detail to enable one skilled in the relevant art to make and/or use the invention. For example, the teaching of the output control information including "first control information" and "second control information" as recited in the claims is set forth in detail at page 8, line 7- page 9, line 15. See also page 11, line 11 – page 12, line 2 and page 12, lines 7-14. Moreover, a specific example of the recited "first control information" and "second control information" is explained in detail at page 34, line 13 - page

36, line 16 with reference to Fig. 7, as discussed further below. Page 37, line 9 – page 38, line 5 of the specification describes this control information as well. Even further, for example, the flowchart of Fig. 10 and the corresponding description at page 38, line 6 – page 39, line 21 describe this first and second control information. See also page 39, line 22 – page 40, line 23 for a description of the first and second control data.

However, in light of the Examiner's comments in this regard, Applicants have opted to amend claims 2-4 and 8-10 to replace "first control information" and "second control information" with --first output control information-- and --second output control information-- in order to further clarify the claims in accordance with the above-noted citations to the specification and drawings.

Accordingly, Applicants respectfully submit that claims 2-4 and 8-10 fully comply with the requirements of 35 U.S.C. § 112, first paragraph. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, first paragraph be withdrawn.

Rejections under 35 U.S.C. §§ 102(e) and 103(a)

Claims 1, 5, 7, 11 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kondo. Claims 6 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kondo. The Office Action alleges that Kondo discloses all recited features of independent claims 1, 7 and 13. Applicants respectfully traverse these rejections for at least the following reasons.

The Office Action cites to "data-receiving device AV data decoder (3402) that decodes data from the header analyzer" as allegedly reading on the recited "extracting the output control information from each of the partial-audio information." This AV data decoder is described beginning at col. 39, line 51 in connection with Fig. 34 of Kondo. The Office Action goes on to

allege that Kondo's "packet generating device (105) for adding headers for transmission (221, 223 ...) to the respective packets (211, 212 ...) to generate packets (222, 224...) (column 17, lines 13-15)" meets the limitations of "adding the extracted output control information onto the generated divided-audio information to thereby generate an information unit for transmitting the audio information through said data bus." The Office Action goes on further to allege that Kondo's "data transmitter (107) for outputting these data in packet units on to an network N" of column 17, line 15 meets the limitations of "generating the transmission information by using a plurality of the generated information units and outputting the generated transmission information onto said data bus."

Applicants respectfully submit that Kondo does not teach or suggest all of the limitations of independent claims 1, 7 and 13 for at least the following reasons. The extracting process recited in independent claim 1, as well as the extracting device recited in independent claims 7 and 13, performs extracting of the output control information from each of the partial-audio information units, such as audio pack 230, for example, which includes the private header 242, as shown in Fig. 1. The private header 242 includes output control information to control the manner of reproduction. Examples of this reproduction control include controlling: the number of channels at a reproduction time, a condition as to whether or not reproduction takes place after an application of an emphasis process, a condition as to whether or not reproduction takes place after a control of a dynamic range and the like. See, for example, page 18, line 8 - page 19, line 8 of the specification.

As discussed at page 19, lines 2- 7 of the specification, for example, and as recited in each of independent claims 1, 7 and 13, the output control data included in the private header 242 is transmitted together with the reproduced audio information. As a result, it is possible to

transmit the output control data effectively. It is then output as sound information after the amplifier, which is a transmission destination, and various processes can thus be performed on the audio information in accordance with the output control data. See also, page 39, line, 22 – page 40, line 4.

On the other hand, Kondo discloses an arrangement in which a system encoder 103 divides each of a video elementary stream 112 and an audio elementary stream 113 into packs. A data transmitter 107 outputs these data types in packet units onto a network N by an isochronous transfer, or the like. See, for example, col. 17, lines 3-20 of Kondo.

However, Applicants respectfully submit that Kondo does not teach or suggest to any extent that output control data is transmitted together with the reproduced audio information, or that various processes are performed on the audio information in accordance with such output control data, as recited in each of independent claims 1, 7 and 13 of the instant application.

Moreover, Applicants have newly-amended each of independent claims 1, 7 and 13 to recite that the dividing process/device divides the audio information for a “predetermined amount, which is set in advance” in order to improve the form of the claims.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because Kondo does not teach or suggest each feature of independent claims 1, 7 and 13 for at least the foregoing reasons. As pointed out in MPEP § 2131, “[t]o anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).” Similarly, MPEP § 2143.03 instructs that “[t]o establish prima facie obviousness of a claimed invention, all the claim

limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicants respectfully assert that dependent claims 2-6 and 8-12 are allowable at least because of the dependence from their respective independent claims 1 or 7, and the reasons set forth above.

Moreover, Applicants respectfully submit that claim 2 recites "first output control information to be transmitted through said data bus, in response to the number of samplings preset in the audio information." Examples of this "first output control information" include dynamic range control data DRC (8 bits) to control a dynamic range when the audio information is reproduced after a transmission; an emphasis flag EF (1 bit) indicating whether or not an emphasis process is performed on the audio information; reserved data RD (1 bit); down mix mode data DMM (1 bit) indicating whether or not a down mix is allowed for the audio information at the time of reproduction; down mix code identification data DMCV (1 bit) indicating whether or not the subsequent down mix code data DMC actually has a value; down mix code data DMC (4 bits) indicating a table number necessary for the control of the down mix; copy control (for example, a copy control as to whether a copy is allowed only one time after the transmission or a copy is inhibited after the transmission) data CCI (2 bits) to the audio data included in the isochronous packet IP; and reserved data RD (6 bits). See, for example, page 34, line 22 – page 35, line 10 and Fig. 7 of the instant application.

Moreover, claim 2, for example, recites "second output control information to be transmitted through said data bus only if it is required." Examples of this "second output control information" include address data AR (having, for example, "00000000" at a value of 8 bits) indicating that the subsequent data is the second output control data; sampling frequency FS2 (4 bits) to specify a sampling frequency at the time of reproduction after the transmission of a preset

channel group (for example, a channel group used for a backward reproduction) in the surround reproduction; channel type data MCT (4 bits) indicative of a channel type in the audio data Sad; channel assignment data CA (5 bits) indicative of a channel assignment (i.e., a channel assignment in each audio data Sad) at the time of the reproduction after the transmission; table parity data TP (1 bit) indicative of a timing when the table used at the time of the down mix is changed; and reserved data RD (2 bits). See, for example, page 36, lines 4-16 and Fig. 7.

Moreover, each of claims 4 and 10, recites “first identification information” represented, for example, by label LB7 disclosed at page 34, lines 16-21 in the specification, for example. Also, each of claims 4 and 10 recites “second identification information” represented, for example, by label LB8 disclosed at page 35, line 24- page 36, line 3 of the specification, for example.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants’ undersigned representative to expedite the prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,

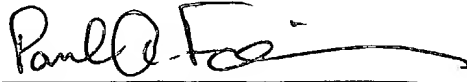
including any required extension of time fees, or credit any overpayment to Deposit Account

50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR**

EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: May 3, 2004

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